

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**JENNIFER VANDERSTOK; MICHAEL
G. ANDREN; TACTICAL MACHINING
LLC, a limited liability company;
FIREARMS POLICY COALITION,
INC., a nonprofit corporation,**

Plaintiffs,

v.

**BLACKHAWK MANUFACTURING
GROUP INC., doing business as 80
PERCENT ARMS,**

Intervenor Plaintiff,

v.

**MERRICK GARLAND, in his Official
capacity as Attorney General of the
United States; UNITED STATES
DEPARTMENT OF JUSTICE; STEVEN
DETTELBACH, in his official capacity as
Director of the Bureau of Alcohol,
Tobacco, Firearms and Explosives;
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES,**

Defendants.

Civil Action No. 4:22-cv-00691-O

SCHEDULING ORDER

On October 7, 2022, original parties filed a Joint Report Regarding Contents of Scheduling Order (ECF No. 95).¹ Having considered the positions of the parties, and because the instant case

¹ In its Reply in support of its Motion to Intervene (ECF No. 97), BlackHawk Manufacturing Group Inc. d/b/a 80 Percent Arms—not a party at that time—indicated its willingness to comply with the parties' proposed scheduling order. Reply 4, ECF No. 97.

involves judicial review of agency action under the Administrative Procedure Act (“APA”), the Court **ORDERS** the following tailored schedule.

I. CRITICAL DATES

Timeline to Amend Pleadings	For intervenors, within 7 days of entry of this Order Motions for leave to amend due within 21 days of Defendants’ answer to amended complaint
Lodging of the Administrative Record	October 24, 2022 (Judge’s copy may be provided in thumb-drive or CD-ROM format)
Discovery-Related Motions (e.g., Motions to Supplement the Administrative Record)	November 14, 2022
Dispositive Motions (Staggered)	Plaintiffs’ Motion for Summary Judgment due within 60 days of completion of the Administrative Record (including resolution of related motions to supplement the record) Defendants’ Response & Cross-Motion for Summary Judgment due 45 days after Plaintiffs’ motion is filed Plaintiffs’ Reply & Response to Cross-Motion due 21 days after Defendants’ response and cross-motion are filed Defendants’ Reply due 21 days after Plaintiffs’ response is filed All other dispositive motions due within 60 days of completion of the Administrative Record

II. DISCOVERY

The Court has considered the parties’ positions regarding the issue of discovery. Plaintiffs ask for 21 days from the time the record is filed to serve interrogatories, if needed, with Defendants

having 14 days to respond. Joint Rep. ¶ 8, ECF No. 95. Defendants argue supplementation of the record via such discovery tools is improper in APA cases unless the moving party demonstrates “unusual circumstances justifying a departure” from that generally practice. *Id.* (quoting *Medina Cnty. Env’t Action Ass’n v. Surface Transp. Bd.*, 602 F.3d 687, 706 (5th Cir. 2010)). Plaintiffs request a hearing to resolve these conflicts. *Id.* at ¶ 18. Instead, the Court has imposed a deadline of **November 14, 2022** for any motions seeking supplementation of the record. To the degree this does not resolve Plaintiffs’ concerns with respect to the potential need for discovery, they may renew their request for a hearing.

SO ORDERED this **24th day of October, 2022**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE